

REMARKS

Claims 1, 2, 4, 7-9, 13-15, and 21-29 remain pending in the present application and are for consideration upon entry of the present Response. Applicant requests favorable consideration of this response and allowance of the subject application based on the following remarks.

Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the remarks should be entered to place the application in better form for appeal.

Statement of Substance of Interview

Applicant appreciates the Office's participation in a telephonic conference of November 8, 2006.

During the interview, the claimed subject matter of the application and the Hirschman, Metcalf and McConnell references were discussed. In particular, Applicant presented arguments along the lines of those set forth below in the section entitled "Claim Rejections 35 U.S.C. §103". Specifically, Applicant presented arguments as to how the subject matter in the application contains features, such as voice prompting, receiving a second instruction from the callee prior to an expiration time, reverse white pages look-up technology, that are not taught or suggested by the references.

Applicant discussed the Official Notice and the removal of the finality of the office action, as this is not permissible to support a final rejection. The Office requested that the

proposed legal arguments and Official Notice be presented in writing. Thus, Applicant is submitting the response in writing to the Office Action.

Preliminary Issue Re: Old and Well Known

Applicant directs the Office to page 5 of the Office Action, where the Office acknowledged the references are silent as to ‘timer’. However, Official Notice is taken that a timer to allow a callee a certain time to enter second instruction is well known and old (page 5). Pursuant to MPEP §2144.03, Applicant is seasonably challenging the statements by the Office that are not supported on the record.

Therefore, the Office is requested to cite a reference supporting the position that it would have been obvious to use a timer to allow callee a certain time to enter second instruction in accordance with the claimed subject matter. If the Office is unable to provide such a reference, and is relying on facts based on personal knowledge, Applicant requests that such facts be set forth in an affidavit under 37 C.F.R. §1.104(d)(2). Absent substantiation by the Office, it is respectfully requested that the rejection under §103 be withdrawn.

Applicant directs the Office to MPEP §2144.03A that Official Notice may not be permissible to support an Examiner’s conclusion, such as circumstances when an application is under final rejection. Thus, Applicant respectfully requests that the Office withdraw the finality of the office action.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-2, 4, 7-19, 13-15, and 21-29 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over a publication titled, “LASS: Putting the telephone customer in charge”, by C. Brant Hirschman, Grant E. Swinehart, and Marie L. Todd, dated May 1985 (hereinafter, “Hirschman”), in view of U.S. Patent No. 5,436,957 to McConnell (hereinafter, “McConnell”), and further in view of U.S. Patent Application No. 2002/0085700 to Metcalf (hereinafter, “Metcalf”). Applicant respectfully traverses the stated rejection.

Independent Claim 1 defines a method and recites:

“In a telecommunication system via an advanced intelligent network (AIN), a method for blocking future calls from a caller to a callee, the method comprising: receiving a first instruction from the callee to access a service to block future calls from a telephone number associated with the caller to the callee; providing at least one callee selection via a voice prompt responsive to the first instruction; receiving a second instruction from the callee prior to an expiration of a predetermined time period; receiving and identifying a telephone number to block associated with the caller; storing the telephone number to block associated with the caller in a caller block table in a service data point (SDP); and preventing, via a service switching point (SSP), one or more phone calls from the telephone number associated with the caller from being forwarded to a second telephone number associated with the callee; and playing a callee-selected message back to the caller of the telephone number to block when the caller attempts to call the callee.”

Applicant submits that the evidence relied upon by the Office does not support the rejections made under 35 U.S.C. §103(a). Applicant asserts that Hirschman, McConnell, and Metcalf fail to disclose, teach or suggest via an AIN, blocking future calls from a caller to a callee, providing at least one callee selection via a voice prompt responsive to the first

instruction; and receiving a second instruction from the callee prior to an expiration of a predetermined time period, as recited in Claim 1.

McConnell Does Not Teach or Suggest via an advanced intelligent network,blocking future calls from a caller to a callee

The Office states Hirschman does not teach the use of AIN, service data point, and service switching point, in the telecommunication system to connect between a caller and a callee (Office Action, page 3). Applicant agrees with this assessment.

However, McConnell fails to remedy the deficiencies in Hirschman. First, McConnell is directed to establishing restrictions on what types of calls can be made or specify parameters for controlling the routing of calls (Abstract). Rather, McConnell teaches away from the claimed subject matter, as commercial subscribers may restrict communication services on a group of the subscriber's telephone lines (col. 4, lines 3-5), control routing of calls (col. 9, lines 52-57), and process calls from the subscriber's identified group of lines (col. 10, lines 23-25). McConnell does not teach or suggest "via an advanced intelligent network, a method for blocking future calls from a caller to a callee", as recited in Claim 1. This evidence is insufficient to support a *prima facie* case of obviousness of the features recited in Claim 1.

Second, the Office has failed to establish a motivation sufficient for one of ordinary skill in the art to combine Hirschman and McConnell. The motivation provided by the Office "provide a connection between a caller and a callee to allow the callee to prevent the caller from establishing the connection with the callee via an AIN" is not well reasoned. Hirschman provides a connection between the caller and callee. McConnell

restricts the type of calls made in the environment, not to block calls. Thus, this rejection is improper.

Third, there is nothing in either of the references that would suggest incorporating blocking future calls using the AIN, service data point, and service switching point. Further, the proposed modification would destroy the intended purpose of McConnell to restrict the type of calls and to control routing of calls. Therefore, there is no suggestion or incentive of modifying Hirschman with McConnell. The rejection is improper. Applicant respectfully requests the §103 rejection be withdrawn.

Metcalf Does Not Teach or Suggest providing at least one callee selection via a voice prompt responsive to the first instruction.....receiving second instruction from callee prior to expiration of predetermined time

The Office states that Hirschman does not teach providing at least one callee selection via a voice prompt responsive to the first instruction. Applicant agrees.

However, Metcalf does not compensate for the deficiencies of Hirschman and McConnell. Metcalf is directed to playing back messages which will dissuade the caller from calling again (Abstract). Rather, audio directions – such as a type that is used to automate call processing at places of business and the like - to guide the user through the configuring of his phone's messaging, such as group types, or genres, of messages ([0038]). Metcalf does not teach or suggest providing at least one callee selection via a voice prompt responsive to the first instruction and a second instruction from the callee prior to an expiration of a predetermined time period, as recited in Claim 1.

Next, the Office has failed to establish a motivation sufficient for one of ordinary skill in the art to combine Hirschman and Metcalf. The motivation provided by the Office “to block future calls from the caller to the callee using voice prompt and second instruction from the callee” is not sound. The motivation is not sound because there is nothing in either of the references that would suggest that the motivation for combining the references is known outside of applicant’s disclosure. Hirschman provides blocking calls, while Metcalf also blocks calls but uses voice prompt to configure phone’s messaging. Thus, this rejection is improper.

Additionally, there is nothing in the references that would suggest blocking calls incorporating the claimed voice prompt and second instruction prior to an expiration of a predetermined time period. Also, the claimed ‘voice prompt’ is not well taken as the Examiner has not presented any evidence on this position and it does not appear to be well known with blocking calls. Again, the rejection is improper.

As Hirschman, Metcalf and McConnell do not disclose, teach or suggest all the claim features, alone or in combination, Applicant submits that the Claim 1 is allowable over the cited references.

Independent Claims 13 and 21 recite features similar to Claim 1, and hence benefits from the arguments directed above to Claim 1. Applicant respectfully requests withdrawal of the §103 rejections.

Dependent Claims 2, 4, 7-9, 14-15, and 22-29 depend directly or indirectly from one of independent Claims 1, 13, and 21. These dependent claims are allowable by virtue of this dependency, as well as for the additional features that they recite that, when taken

together with those of Claims 1, 13, and 21, define methods not disclosed, taught or suggested by Hirschman, McConnell, and/or Metcalf. Applicant respectfully requests withdrawal of the §103 rejections.

Hirschman Does Not Teach or Suggest reverse caller-ID technology and reverse white pages look-up technology

Dependent Claims 2, 4, 14, 22, 23, and 26 recite features that Hirschman does not teach or suggest "using at least one of reverse caller-ID technology and a reverse white pages look-up technology". Rather Hirschman describes using *60 to activate a nuisance call rejection and obtains the directory number from the line history memory (pg. 14, col. 2). The line history memory stores the last directory number that called the line (pg. 12, col. 1). Also, Hirschman describes calling *57 to retrieve the incoming call's directory number from the line history memory (pg. 15, col. 1), which is not reverse caller-ID technology and a reverse white pages look-up technology as claimed.

Furthermore, the Office alleges reverse caller-ID technology and reverse white pages look up technology have been introduced in the telephone system. However, the MPEP states "New combination of steps in a process may be patentable even though all the constituents of the combination were well known and in common use before the combination was made" (see MPEP §2106.II). Therefore, the combination of features recited in the claim are such a new combination and may be patentable. Applicant respectfully requests withdrawal of the §103 rejections.

Conclusion

Claims 1, 2, 4, 7-9, 13-15, and 21-29 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,
Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201

Dated: 11-15-2006

By: Shirley L. Anderson

Shirley L. Anderson
Reg. No. 57763
(509) 324-9256 ext. 258